

REMARKS

I. The Section 112 Rejection

The Examiner has objected to the disclosure under 37 C.F.R. §1.63(a), on the basis that the specification presents less than a full, clear and complete botanical description of the plant and the characteristics which distinguish the plant from related known varieties. Claim 1 stands rejected under 35 U.S.C. § 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Examiner's objection to the disclosure.

The specification has been amended, as suggested by the Examiner, to make a full and complete a disclosure of the plant and the characteristics that distinguish it from other related known varieties and antecedents. With reference to the red-lined version, the specification has been amended at page 2, lines 4-5 and 10-11, to change the botanical name from "*Dendranthema grandiflora*" to "*Chrysanthemum morifolium*." At page 2, lines 13-15, the specification has been amended to add an identification number for the male and female parents of the variety that is the subject of the application. The male parent has been further characterized as having longer ray florets than the female parent at page 2, line 16.

At page 2, lines 23 and 25 and at page 3, lines 1-2, 4 and 7, the specification has been amended to more clearly identify the female parent variety in comparison with the variety that is the subject of the application. At page 3, lines 8-17, a comparison to the male parent variety has been added.

On page 2, line 25 and on page 3, lines 4, 7, 19-20, 24, 26 and 29, the specification has been amended to properly reflect the use of single quotation marks with cultivar names and eliminate redundant use of the term "cultivar."

At page 3, line 20-21, the U.S. Plant Patent Application Publication Number for the variety 'Cool Time' has been inserted.

At page 5, lines 3-5, the length, diameter and texture of the lateral branches have been corrected or added. At page 6, lines 7-8, the petiole diameter and texture have been inserted. At page 7, lines 5 and 12, the pedicel and peduncle diameters have been inserted. At page 7, lines 9 and 16, the strength of the pedicel and peduncle have been clarified.

At page 9, line 3, the specification has been amended to recite the lastingness of blooms for the instant variety. At page 9, lines 6, 7, and 14, the specification has been amended to note that there are gynoecium present on the ray and disc florets and to clarify that the number of pistils recited per ray and disc floret is per individual flower. The specification has been amended at page 9, lines 21 and 23, to clarify that androecium have not been observed.

At page 9, lines 8 and 15, the specification has been amended to remove the symbol ">" as requested by the Examiner and replace it with the term "about."

A typographical error have been corrected in the spelling of the term "liter" at page 5, line 12. The single line spacing in the specification has been corrected throughout the specification at each instance.

There are no amendments to the claim or Abstract.

The above amendments to the specification have addressed the Examiner's objections to the disclosure under 37 C.F.R. §1.63, first paragraph and under 35 U.S.C. § 112, first and second paragraphs. It is respectfully submitted that those objections are now overcome. As a consequence, the basis for the Examiner's rejection under 35 U.S.C. § 112, first and second

paragraphs, is no longer present and it is respectfully requested that the rejection on this basis be withdrawn.

CONCLUSION

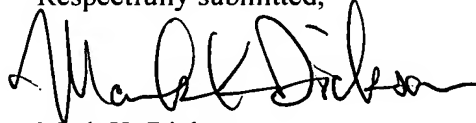
It is respectfully submitted that the Examiner's rejection under 35 U.S.C. § 112 has been overcome by the above-amendments and should be withdrawn. There are no further rejections or objections to the disclosure or the claim and the application is now believed to be in condition for allowance.

No additional fees are believed to be due, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038 referencing docket number 10451.0041.NPUS00.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

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Respectfully submitted,



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